IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No. 68l4 of 2004

Indrajit S Jadhav . petitioner

vs

CIDCO and ors .respondents

Mr.R.P Behere for pettiioner

Mr. G.S.Hegde for respondent no.l

Mr.Helekar for A.A.Garge for respodnent no.2

Mr.R.D.Rane AGP for respondent.no. 3

CORAM;A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated l0.l2.2004

P C:

Heard advocates.

. The case of the petitioner is that his property was acquired for constructing new Kalwa Turbhe local bridge and the respondent no.l CIDCO demolished cottage type of hotel cum flour mill of

the petitioner and demolition certificate was duly issued to the petitioner.

. The petitioner claims that as per the certificate issued by the Special Officer of the respondent no. 2 total area of 726 sq mts was demolished and as per the policy of the respondent no.l he is entitled to allotment of maximum 500 sq mts . However the petitioner was allotted only 2 plots by the CIDCO admeasuring 276 sq mts and, therefore he is seeking direction to CIDCO to allot to him remaining area of 224 sq mts.

. The CIDCO has opposed admission of the petition by filing affidavit in reply. The learned counsel appearing for the CIDCO has pointed out that the CIDCO has examined the representation and considered all the documents produced by the petitioner and it was found that in fact the petitioner was allotted excess land than his entitlement. The allotment was accepted by the petitioner without any demare and the demand for additional area is raised only after l0 years. In the facts and circumstances and in view of the inordinate delay and latches petitioners is not entitled to any relief under Art 226 of the Constitution. Petition is therefore dismissed.